

REMARKS

Claims

Upon entry of the amendment, claims 1-49, 55, 56, 59-101, 103, and 104 will be pending in the application.

Claim 1 has been amended so that A is A-1; D, E, and F are C; X is CH₂; R₁ is aryl' (R₁ is Z-aryl' and Z is absent) as suggested in the Office Action.

Claim 2 has been canceled because of the amendments to claim 1.

Claim 3 has been amended because of the amendments to claim 1.

Applicants have canceled previously withdrawn claims 50-54, 57, 58, and 102 (whose subject matter was incorporated into claim 100).

Summary of Prosecution

The double patenting rejection has been withdrawn.

The anticipation rejection under 35 U.S.C. § 102 (b) in view of DiMaio et al. has been withdrawn.

The elected species has been deemed allowable and the Office Action sets forth that claims 3-49, 55, 56, and 59-99 would be allowable if rewritten in independent form.

The improper Markush objection has been maintained in the Office Action in regards of A, B, C, D, E, F, X, and R₁.

Further, the Office Action indicates that an anticipation rejection under 35 U.S.C. § 102 (b) in view of Houlihan would be applicable if the subject matter is examined beyond the elected species.

Restriction/Election

The restriction requirement has been made final.

Withdrawn claims 50-54, 57, 58, and 102 have been canceled from the application.

Rejoinder

Applicants request rejoinder of method claims 100, 101, 103, and 104 if the subject matter of claim 1 is deemed allowable.

Improper Markush Group

The Office Action indicates that A, B, C, D, E, F, X, and R₁ are drawn to improper Markush groups.

In response, Applicants have amended claim 1 as suggested in the Office Action.

Claim Rejections-35 U.S.C. 102

The Office Action indicates that, if the examined subject matter is extended beyond the elected species, claims 1-4 would be rejected as being clearly anticipated by Houlihan et al. (Reference A). The Office Action refers to columns 7 and 9 and explains that the claims are fully met when A is A-1; D and F are C; E is N; X is CH₂; and R₁ is Z-aryl.

Applicants request that this rejection be withdrawn in light of the amendments to claim 1.

Claim Objections

Claims 3-49, 55, 56, and 59-99 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form.

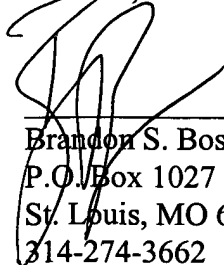
Applicants request this objection be withdrawn in light of the amendments to claim 1.

Conclusion

The Examiner is invited to contact the undersigned attorney should any issues remain unresolved. If any additional fees are due in connection with the filing of this response, such as fees under 37 C.F.R. §§ 1.16 or 1.17, please charge the fees to Deposit Account No. 19-1025. Any overpayment can be credited to Deposit Account No. 19-1025.

Respectfully submitted,

PFIZER, INC.



Brandon S. Boss, Reg. No. 46,567
P.O. Box 1027
St. Louis, MO 63006
314-274-3662

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